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November 5, 1999

Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 - 12<sup>th</sup> Street, SW - TW - A325  
Washington, DC 20554

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NOV 5 1999  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Written Ex Parte Presentation  
Truth-in-Billing and Billing Format  
CC Docket No. 98-170

Dear Ms. Roman Salas:

Pursuant to Commission Rule 1.1206(b)(1), two copies of the written presentation have been forwarded to you for inclusion in the public record in the above-referenced docket. The written presentation is an ex parte letter regarding an oral presentation made on November 4, 1999 to Attorney David Konuch of the Federal Communications Commission, Common Carrier Bureau Enforcement Division. The following parties, including Mr. Konuch, were presented with a copy of the ex parte letter on November 5, 1999: Hon. William E. Kennard, Hon. Susan Ness, Hon. Harold Furchtgott-Roth, Hon. Michael K. Powell, Hon. Gloria Tristani, Lawrence Strickling, Lisa Zaina, Glenn Reynolds and Anita Cheng.

Respectfully,

*Julie E. Rones*

Julie E. Rones  
Senior Counsel

Enclosures

:

USTA Ex Parte Letter  
Re Truth-in-Billing and Billing Format, 1

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Re: Oral Ex Parte Presentation  
Truth-in-Billing and Billing Format  
CC Docket No. 98-170

Dear Ms. Roman Salas:

Yesterday, I met with Attorney David Konuch of the Federal Communications Commission Common Carrier Bureau Enforcement Division regarding matters pertaining to the above-referenced docket.

I asked for clarification about Chairman Kennard's statement made on November 4<sup>th</sup> at a public forum indicating that the Truth-in-Billing requirements were to be in effect early next year. I discussed the problems small and mid-size ILECs currently are encountering with the provisions of the FCC's Truth-in-Billing and Billing Format Order ("TIB Order"), expected to be implemented by November 12, 1999 (i.e., that carriers separate the bill by service provider and list 1-800 contact numbers for the service provider). USTA members' concerns were articulated about not being able to list the service provider due to the interexchange carriers' use of clearinghouses for toll calls made using non-pre-subscribed services. On such calls, clearinghouses apply sub-carrier identification codes for the clearinghouses instead of listing the individual service providers that provided casual calls/alternative service calls/dial-around calls/credit card calls to the customer. Consequently, the billing and collection ILECs would not be given the requisite service provider information from the clearinghouses. Therefore, ILECs are concerned about not being in compliance with the TIB Order's requirements: to provide the identification of the service provider, to separate the bill by service provider and to list the service provider's 1-800 contact number. In this regard, clarification about the jurisdictional status of ILEC obligations in fulfilling these TIB Order provisions was sought.

**USTA Ex Parte Letter**  
**Re Truth-in-Billing and Billing Format, 1**

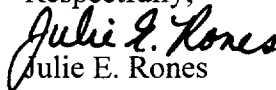
In the context of the TIB Order in order to understand implementation of the TIB provisions expected to be in effect on November 12th, clarification was sought about the jurisdictional nature of casual calls: whether they are outside the scope of the Commission's slamming authority since no slam could attach to a casual call? Also because casual calls are authorized by the customer, it was asked how such calls could be considered as cramming. Further, it was asked how the Commission is justifying ILEC treatment of such calls in terms of ILECs' responsibilities for such calls (and/or their treatment on the ILEC bill) if, indeed, the customer was misled by the service provider, not the ILEC? The question as to whether the Commission is seeking to re-regulate ILEC billing and collection by virtue of the actions directed in the TIB Order was raised.

Because various recent filings seeking compliance with a Commission public notice requiring individual company waivers before or by November 12<sup>th</sup> of the TIB Order provisions to be in effect on November 12<sup>th</sup> were made indicating a need for further relief of the TIB Order beyond the provisions the Commission has stayed until April 1, 2000, it was asked whether the Commission could approve USTA's July 16, 1999 petition for expedited waiver or stay, requesting, *inter alia*, an indefinite or temporary overall waiver for small and mid-size ILECs. Additionally, it was acknowledged that USTA would file supportive comments on November 4, 1999, of the various waiver petitions that were recently filed by other trade associations and small and mid-size ILECs.

I asked about clarification concerning treatment of denial and non-deniable charges regarding services bundled under state tariffs, the effect of payment plans, state disconnection matters and matters pertaining to listing such matters on the bill, in preparation for when or if the relevant rule goes into effect. In that regard, it was asked whether, as a practical matter, the Commission was mandating that billing and collection ILECs go to a disaggregated billing regime, despite the fact that the Commission did not mandate this in the Universal Service proceeding.

Pursuant to Commission Rule 1.1206(b)(2), an original and one copy of this letter has been forwarded to you for inclusion in the public record. Please contact me if you have any questions about this matter.

Respectfully,

  
Julie E. Rones

Senior Counsel

Enclosure

cc: Hon. William E. Kennard  
Hon. Susan Ness  
Hon Harold Furchtgott-Roth  
Hon. Michael K. Powell  
Hon. Gloria Tristani  
Lawrence Strickling

Lisa Zaina  
Glenn Reynolds  
David Konuch  
Anita Cheng

**USTA Ex Parte Letter  
Re Truth-in-Billing and Billing Format, 2**